

16805 U.S. PTO
09/09/03

Docket No.: 143

September 9, 2003

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

22151 U.S. PTO
10/659057
09/09/03

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Bender, Theodore M.
DuBois, Brian R.
Pomeroy, Dan M.
Chamness, Scott O.
Donohoe, Brendan M.

Title: **Tool for Creating an Opening in Tissue**

<u>X</u>	Return Receipt Postcard
<u>X</u>	This Transmittal Letter
<u>49</u>	page(s) Specification (not including claims)
<u>6</u>	page(s) Claims
<u>1</u>	page Abstract
<u>15</u>	Sheet(s) of Drawings
X	Nonpublication Request
X	Applicant(s) assert(s) entitlement to small entity status for the attached patent application.

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/054,745.
This application is being filed without declaration or filing fee under 37 CFR 1.53(b).

CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))

	Number			Number					Basic Fee
For	Filed			Extra		Rate		\$	375.00
Total Claims	42	-20	=	22	x	\$9.00	=	\$	198.00
Independent Claims	3	-3	=	0	x	\$42	=	\$	0.00
<input type="checkbox"/> Fee of _____ for the first filing of one or more multiple dependent claims per									\$
<input type="checkbox"/> Fee for recording assignment									\$ 0.00
<input checked="" type="checkbox"/> Total fee for filing the patent application									\$ 573.00
<input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 502108.									

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Respectfully submitted,



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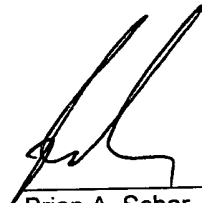
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MODIFIED PTO/SB/35 (11-00)

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	Inventors	Bender, Theodore M.; et. al.
	Title	Tool for Creating an Opening in Tissue
	Atty Docket Number	143

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 9, 2003
Date



Brian A. Schar
Attorney for Applicants
Reg. No.: 45,076

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**